

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA                    )  
  )  
  )  
  )  
  )  
  )  
v.   )  
  )  
EARNEST MONTGOMERY                        )

COLLIER/CARTER  
  
CASE NO. 1:10-CR-9

**ORDER**

On December 9, 2010, Magistrate Judge William B. Mitchell Carter filed a Report and Recommendation recommending (a) the Court accept Defendant's plea of guilty to Count One of the Indictment; (b) the Court adjudicate Defendant guilty of the charges set forth in Count One of the Indictment; and (c) Defendant shall remain in custody pending sentencing in this matter (Court File No. 30). Neither party filed an objection within the given fourteen days. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) Defendant's plea of guilty to Count One of the Indictment is **ACCEPTED**;

(2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count One of the Indictment; and

(3) Defendant **SHALL REMAIN IN CUSTODY** pending sentencing on **Thursday, April 7, 2011, at 2:00 p.m.**

**SO ORDERED.**

**ENTER:**

**/s/**  
**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**

